



Attorney's Docket No. 49954-DIV 2(70551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. Nakajima, et al.
U.S.S.N.: 10/671,239 Examiner: Not Yet Assigned
Filed: September 24, 2003 Group: 1734
For: OPTICAL DISC HAVING PITS OF DIFFERENT DEPTH FORMED THEREIN,
OPTICAL DISC DEVICE FOR REPRODUCING THE SAME, AND METHOD
REPRODUCTION

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail and is addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 ATTENTION: GROUP DIRECTOR on February 11, 2004.

By Kathryn A. Grindrod
Kathryn A. Grindrod

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTENTION: GROUP DIRECTOR

Sir:

INFORMATION DISCLOSURE STATEMENT WITH CERTIFICATION

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on Form PTO-1449, attached hereto.

II. COPIES

- a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. , filed on . The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. X A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
See English language Abstracts attached to each of the documents cited and provided herewith.

- c. X The following additional information is provided for the Examiner's consideration:
The documents cited and provided herewith were cited in Japanese Office Actions dated September 9, 2003 and October 7, 2003 respectively in two of the three foreign priority applications for this application (copies of the Notices of Ground Rejection, dated September 9, 2003 and October 7, 2003, respectively, and English translations thereof, are attached).

Japanese Laid-Open Patent Publication No. JP8-031015 was cited in an Office Action issued in relation to the other foreign priority application for this application, i.e., Japanese Patent Application No. 11-184604 (see item BA). Japanese Laid-Open Patent Publication No. JP5-205276, on the other hand, was cited in an Information Disclosure Statement filed on June 29, 2000 in this case (see item.BG).

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)
(check one box)

- a. within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1).
No fee or certification is required.
- b. within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.

- c. ☐ Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

OR

- b. ☒ See the certification below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☒ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.



c. _____

Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

X No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,

Date: February 11, 2004

Reg. No.: 27,840
Tel. No. (617) 517-5508

Customer No.: 21874

433011

David A. Tucker
SIGNATURE OF PRACTITIONER

David A. Tucker
(type or print name of practitioner)
Attorney for Applicant(s)

Edwards & Angell, LLP
P.O. Box 55874
P.O. Address

Boston, MA 02205



| | | |
|---|---|----------------------------------|
| FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT | DOCKET NO: 49954-DIV 2 (70551) | SERIAL NO.: 10/671,239 |
| | APPLICANT(S): J. Nakajima, et al. | |
| | FILING DATE: September 24, 2003 | GROUP NO.: 1734 |

UNITED STATES PATENT DOCUMENTS

| EXAM. INITIALS | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|----|--------------------|------|------|-------|----------|-------------------------------|
| | AA | | | | | | |
| | AB | | | | | | |
| | AC | | | | | | |
| | AD | | | | | | |
| | AE | | | | | | |
| | AF | | | | | | |
| | AG | | | | | | |
| | AH | | | | | | |
| | AI | | | | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES/NO |
|--|----|--------------------|------------|---------|-------|----------|-----------------------|
| | BA | 08-031015 | 02/02/1996 | JAPAN | | | Abstract |
| | BB | 11-167733 | 06/22/1999 | JAPAN | | | Abstract |
| | BC | 60-167129 | 08/30/1985 | JAPAN | | | Abstract |
| | BD | 60-242532 | 12/02/1985 | JAPAN | | | Abstract |
| | BE | 02-108244 | 04/20/1990 | JAPAN | | | Abstract |
| | BF | 62-129944 | 06/12/1987 | JAPAN | | | Abstract |
| | BG | 05-205276 | 08/13/193 | JAPAN | | | Abstract |
| | BH | 06-215380 | 08/05/1994 | JAPAN | | | Abstract |

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

| | | |
|--|----|--|
| | CA | |
|--|----|--|

EXAMINER:

DATE: